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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

FEB 24 1999

**SUBJECT:** Approval of Request for Ceiling Increase and \$2 Million and 12-Month Exemption for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) in Portsmouth, Virginia

**FROM:** Abraham Ferdas, Director *Abraham Ferdas*  
Hazardous Site Cleanup Division (3HS00)

**TO:** Timothy R. Fields, Acting Assistant Administrator  
Office of Solid Waste and Emergency Response (5101)

**THRU:** Stephen D. Luftig, Director  
Office of Emergency and Remedial Response (5201)

**ATTN:** Thomas R. Sheckells, Director  
Region 3/8 Accelerated Response Center (5201G)

**ISSUE**

Region III has approved the attached Request for Ceiling Increase and \$2 Million and 12-Month Exemption for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) in Portsmouth, Virginia. The Site is distinct from, but is closely associated with, the Abex Superfund (NPL) Site (Abex Site) in Portsmouth, Virginia. On April 27, 1998, the On-Scene Coordinator (OSC), in coordination with the Remedial Project Manager (RPM) for the Abex Site, activated the Superfund in the amount of \$50K to address lead-contaminated soil and dust at the 2020 Chestnut Street Property Site. Since that time, an additional 41 residences and 6 vacant lots have been identified. The Agency for Toxic Substances and Disease Registry (ATSDR) and Region III toxicological assessments have concluded that elevated lead concentrations in residential properties at the Site pose a threat to public health. Lead, a hazardous substance, has been released at the Site, exposing the public living in residences on the Site and in the immediately surrounding community to hazardous substances. In the absence of continued EPA action at the Site, the release or threat of release of hazardous substances at or from the Site will continue to pose an imminent and substantial endangerment to public health or welfare. Continued Removal response action is immediately required in order to prevent an emergency from arising in the future; there is an immediate risk to public health or welfare or the environment; and such assistance will not otherwise be provided on a timely basis.

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As additional residences have been identified that require Removal action, Region III has approved Action Memoranda allocating additional funding and providing for a change of scope (see attached Action Memoranda, July 8, 1998, "Request for Ceiling Increase and Change of Scope, Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia" and December 1, 1998 "Request for Ceiling Increase for Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia"). However, additional funds and time are now required to allow for continued Removal response action. Therefore, because conditions at the Site meet the Removal criteria set forth in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Section 300.415, and the emergency exemption criteria set forth in Section 104(c)(1)(A) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and pursuant to Delegations of Authority 14-2-A and 14-3 giving the Director, Hazardous Site Cleanup Division (HCSD) authority to approve CERCLA Removal Actions with a total cost of less than \$6 million and greater than 12 months in duration, Region III has approved this Request for Ceiling Increase and \$2 Million and 12-Month Exemption for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) in Portsmouth, Virginia. This approval is for an additional \$1,073,000 for a total ceiling of \$3,068,000, of which \$2,668,000 are extramural costs.

Attachment: Request for Ceiling Increase and \$2 Million and 12-Month Exemption for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site), Portsmouth, Virginia

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

FEB 24 1999

**SUBJECT:** Request for Ceiling Increase and \$2 Million and 12-Month Exemption for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) in Portsmouth, Virginia

**FROM:** William D. Steuteville, On-Scene Coordinator  
Removal Response Section (3HS31)

**AND:** Randy Sturgeon, Remedial Project Manager  
General Remedial Section (3HS23)

**TO:** Abraham Ferdas, Director  
Hazardous Site Cleanup Division (3HS00)

**I. PURPOSE**

This Request for Ceiling Increase and \$2 Million and 12-Month Exemption is for the 2020 Chestnut Street Property Site (Site) (a.k.a. the Unattributed Residential Soil Lead Site) in Portsmouth, Virginia. As described in the previously approved Request for Ceiling Increase and Change of Scope (see attached), the Site is distinct from, but is closely associated with, the Abex Superfund (NPL) Site (Abex Site) in Portsmouth, Virginia. On April 27, 1998, the On-Scene Coordinator (OSC), in coordination with the Remedial Project Manager (RPM) for the Abex Site, activated the Superfund in the amount of \$50K to address lead-contaminated soil and dust at the 2020 Chestnut Street Property Site. Since that time, a total of 42 residences and 6 vacant lots have been identified in an area of primarily residential properties (see attached Action Memoranda, July 8, 1998, "Request for Ceiling Increase and Change of Scope, Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia" and December 1, 1998 "Request for Ceiling Increase for Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia"). The Agency for Toxic Substances and Disease Registry (ATSDR) and Region III toxicological assessments have concluded that elevated lead concentrations in residential properties at the Site pose a threat to public health. Lead, a hazardous substance, has been released at the Site, exposing the public living in residences on the Site and in the immediately surrounding community to hazardous substances. In the absence of continued EPA action at the Site, the release or threat of release of hazardous substances at or from the Site will continue to pose an imminent and substantial endangerment to public health or welfare. The OSC has recommended that continued Removal response action is immediately required in order to prevent an emergency from arising in the future, that there is an immediate risk to public health or welfare or the environment, and that

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such assistance will not otherwise be provided on a timely basis in the absence of continued Removal action.

Therefore, because conditions at the Site meet the Removal criteria set forth in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Section 300.415, and the emergency exemption criteria set forth in Section 104(c)(1) (A) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and pursuant to Delegations of Authority 14-2-A and 14-3 giving the Director, Hazardous Site Cleanup Division (HCSD) authority to approve CERCLA Removal Actions with a total cost of less than \$6 million and greater than 12 months in duration, the OSC requests the approval of this Request for Ceiling Increase and \$2 Million and 12-Month Exemption for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) in Portsmouth, Virginia. This approval is for an additional \$1,073,000 for a total ceiling of \$3,068,000, of which \$2,668,000 are extramural costs.

## **II. SITE CONDITIONS AND BACKGROUND**

### **A. Site Description**

#### **1. DEFINITIONS**

The definitions contained within the attached Action Memorandum (July 8, 1998, "Request for Ceiling Increase and Change of Scope, Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia") continue to be applicable to this Site, with the exception of the name of the Site, which has been changed to accommodate the needs of the Regional cost accounting system. No actual alteration in the scope or definition of the Site is reflected in this change.

**(Abex) Operable Unit # 1:** Abex Operable Unit # 1 (Operable Unit # 1) is the area within a 700' radius of the former Abex foundry. To date, almost all Abex Site study and remediation has occurred within this 700' radius of the Abex Site.

**(Abex) Operable Unit # 2:** Abex Operable Unit # 2 (Operable Unit # 2) is an area of primarily residential properties outside of a 700' radius surrounding the former Abex foundry that may have been impacted with lead contamination from the former Abex foundry. Heretofore, cleanup and study of the Abex Site have focused on the inner 700' radius. Future Abex Remedial Investigation will address soil-lead contamination in Operable Unit # 2. At this time it is not known what impact Abex Site lead has had in Operable Unit # 2.

**The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site):**

The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) includes only those designated *residential properties and/or recreational areas used and frequented by children* (herein "recreational areas") outside Operable Unit # 1 shown to be contaminated with elevated concentrations of soil-lead not attributed to the Abex Site or not

addressed in a timely manner through Abex Site Remedial activities or not otherwise addressed in a timely manner by the appropriate potentially responsible parties (PRPs), provided such elevated soil-lead concentrations are identified pursuant to soil sampling and analyses performed as part of Abex Site Remedial Investigation and Feasibility Study (RI/FS) activities and/or identified pursuant to soil sampling and analyses performed pursuant to Section V, Paragraph 15, *Proposed Action* of the July 8, 1998, Action Memorandum "Request for Ceiling Increase and Change of Scope, Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia" (see attached). The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) initially included only a single family dwelling at 2020 Chestnut Street and an adjoining undeveloped lot at 2024 Chestnut Street. This was the extent of the site when cleanup was begun at the 2020 Chestnut Street Property Site pursuant to the OSC's delegated \$50K authority. The Site has since been expanded to include additional properties on four other residential blocks initially identified pursuant to soil sampling and analyses performed as part of Abex Site RI/FS.

**Non-specific Urban Soil-lead Contamination:** As noted previously, non-specific urban soil-lead contamination in older urban areas is a national problem. Portsmouth, like many other older urban areas, has experienced urban lead problems. It is not the purpose of the Environmental Protection Agency (EPA), by this action or by activities at the Abex Site, to address, highlight, or identify such urban lead problems in Portsmouth. However, the previous Request for Ceiling Increase and Change of Scope at the Site noted that the process of determining the extent of lead attributed to the Abex Site had the potential to reveal specific soil-sample locations of elevated soil-lead that are not attributed to, or immediately attributable to, the Abex Site or another source. Approval was sought, and received, to address (pursuant to this Removal Action) properties having elevated residential soil-lead concentrations that meet the definition herein for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) if they were inadvertently revealed by EPA through its endeavor to determine the extent of Abex Site lead.

**Exclusion:** The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) specifically does not include commercial properties and does not include any other soil-lead contamination except residential soil-lead contamination identified through sampling and analyses performed pursuant to the Abex RI/FS or sampling and analyses outlined in Section V, Paragraph 15, *Proposed Action* of the July 8, 1998, Action Memorandum "Request for Ceiling Increase and Change of Scope, Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia" (see attached).

## 2. SITE DESCRIPTION

The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) presently contains 42 residences and at least 6 vacant lots within five blocks of a predominantly African- American, below-median-income, urban neighborhood in Portsmouth, Virginia. The Site is located in a primarily residential area, but some commercial and industrial properties are located nearby, including the Norfolk Naval Shipyard, which is located immediately south and

east of the Site, and numerous current and historic industrial properties in and around the Site, including the former Abex foundry. Historic industrial locations may be sources of lead.

There are many older, wood-frame houses in the area dating from before 1970. Still others have been demolished in the last 30 years. Prior to 1970, wood-frame and wood-sided houses were often painted with lead-based paint. Lead paint, which weathered or otherwise stripped from such wood-framed houses, has been shown to sometimes cause or contribute to soil-lead contamination around such older houses. Due to the predominance of wood-frame and wood-sided houses in this area, it is likely that some soil-lead contamination in Operable Unit #2 is due to lead paint peeled, chipped, and weathered or stripped from houses and other painted structures.

The Abex Operable Unit #1 RI/FS identified the former Abex foundry as a potential lead source for some of the soil lead found in Operable Unit #2 and identified other potential lead sources in addition to the former Abex foundry.

Soil lead contamination is a source of lead contamination in interior dusts. Interior dust is an additional source of residential lead exposure. In older houses, sources of interior dust may be lead-based paint in addition to exterior soils and industrial sources.

Until such time as the lead source or sources are identified or until PRPs, if any, are identified for such lead sources and agree to undertake necessary Removal of such lead, EPA proposes to continue addressing significant soil-lead contamination identified through sampling and analyses performed pursuant to the Abex RI/FS or sampling and analyses outlined in Section V, Paragraph 15, *Proposed Action* of the July 8, 1998, Action Memorandum "Request for Ceiling Increase and Change of Scope, Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia" (see attached). EPA will address elevated residential soil-lead contamination, as defined herein, in the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) as a single Site with an unknown lead source or sources.

## **B. Site Background**

The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) was identified through the RI/FS conducted at the Abex Site by the Pneumo Abex Corporation (Abex) under the oversight of the Virginia Department of Environmental Quality (VADEQ).

The Abex Site was listed on the National Priorities List on August 8, 1990. RI/FS soil sampling and analyses, including sampling at the 2020 Chestnut property, was conducted in approximately 1991. The analyses revealed elevated soil-lead concentrations at the 2020 Chestnut Street Property Site and other areas beyond the 700-foot radius of the Abex Site. Abex determined the elevated lead concentrations at 2020 Chestnut were the result of contamination from sources other than the Abex Site. Proposed Remedial actions at the Abex Site include excavation of lead-contaminated soils greater than or equal to 500 ppm and interior cleaning, as necessary, in residential properties within the 700-foot radius of the Abex Site.

In 1998, EPA Region III Superfund management directed the Superfund Removal Program to address lead concentrations at the initial 2020 Chestnut Street Property Site, and similar lead concentrations in other residential properties in Operable Unit # 2. The Remedial Program was tasked to identify the extent and source of Abex Site-related contamination in Operable Unit # 2. As part of the ongoing Remedial efforts at the Abex Site, the Remedial Program has recently begun negotiating further study and remedial investigation in Operable Unit # 2 to identify areas with elevated lead concentrations associated with the Abex Site. In addition, as part of the 2020 Chestnut Street Removal action the OSC and Abex RPM have initiated a "lead source study." The study will investigate the source(s) of soil lead within the neighborhood of the 2020 Chestnut Street Property Site.

On April 27, 1998, the OSC determined that a release of hazardous substances had occurred which may be an imminent and substantial endangerment to public health, welfare or the environment. The OSC determined, in consultation with the Abex Remedial Project Manager (RPM), that Removal action was warranted pursuant to CERCLA 104(a) and the NCP to address lead contamination of exterior soils and interior dusts, as necessary. The OSC issued Special Bulletin A for the 2020 Chestnut Street Property Site authorizing the expenditure of \$50K in Superfund monies to initiate Removal response activities and to mobilize resources, develop plans for and commence expeditious cleanup of the 2020 Chestnut Street Property Site. The OSC issued a Delivery Order to EPA's Emergency Response and Remediation Services (ERRS) contractor to perform the response. At the same time, the OSC and the RPM jointly submitted a request for additional funding and change of scope of work for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site), superseding and amending the Special Bulletin A for the 2020 Chestnut Street Property Site.

Since receiving approval of the request for additional funding and change of scope of work for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site), Removal actions and continued sampling have been undertaken at the Site, which includes the 2020 Chestnut Street property and four additional blocks of primarily residential property. Actions thus far have included the excavation and restoration of contaminated soil at three of the four blocks. However, 9 residences remain in which the exterior contamination has not been addressed. In addition, abatement of lead contaminated interior dusts is planned following exterior soil lead abatement. Sampling of interiors spaces, and any cleanup activities required as a result of such sampling, have yet to be performed.

### **C. Quantities and Types of Substances Present**

During the RI/FS investigations, soil along the "windrose" axes as determined using the former Abex foundry as the center were sampled and analyzed for lead in an attempt to measure the impact of Abex lead emissions. Several surface soil samples were collected along these axes, and lead was detected above 500 ppm in 10 of these samples, representing at least seven residential properties, including a soil sample collected from the yard of 2020 Chestnut Street that revealed a lead concentration of 33,700 ppm. Other properties in Operable Unit #2 were shown to have elevated soil-lead concentrations of 1,970; 1,050; 1,620; and 966 ppm. In

December 1997, EPA's Site Assessment Technical Assistance (SATA) contractors collected six soil samples to confirm the elevated soil-lead concentrations at 2020 Chestnut Street. Two soil samples revealed 4,043 and 5,543 ppm of lead. Further soil samples in April 1998 revealed soil-lead concentrations as high as 9,000 ppm. Lead contaminated exterior soils are a source of lead contaminated interior dusts tracked or blown into residential homes. Sampling of soil in crawl spaces beneath homes has revealed elevated lead concentrations in the 500 to 2000 ppm range in some homes. Sampling of interior dusts will be conducted following exterior soil lead abatement. Additional soil sampling has identified a total of 42 residences and 6 vacant lots used and frequented by children as recreational areas where soil lead concentrations are above 500 ppm. Lead is a hazardous substance pursuant to CERCLA because it is listed at 40 CFR Section 302.4. EPA has selected 500 ppm soil lead as the cleanup criteria consistent with the Abex Site Record of Decision.

#### **D. National Priorities List Status**

The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) is not on or proposed for the National Priorities List, but is in close proximity to, and is closely associated with, the Abex Site and shares lead as the primary hazardous substance of concern. EPA believes the Abex Site is one source of lead in Operable Unit # 2, but does not know the extent of Abex lead in Operable Unit # 2 at this time. Until such time as the extent of Abex Site lead is understood and is found to be a significant source of lead at the Site, the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) will continue to be considered a separate site from the Abex Site.

#### **E. State and Local Authorities' Roles**

The OSC is coordinating Removal response activities with local and State officials. State and local officials have a high degree of interest in soil-lead abatement activities in the area of the Abex Site, including the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site). In order to assure that State and local officials have a significant role and voice in the planning and implementing of response actions proposed herein, the OSC established a "unified command" for the management of these response actions including representatives of the City of Portsmouth and the Virginia Department of Environmental Quality (VADEQ). VADEQ has since declined to continue participation in the unified command, which continues to include participation by the City of Portsmouth.

### **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

Section 300.415 of the NCP (40 CFR 300.415) lists the factors to be considered in determining the appropriateness of a Removal action. Paragraphs (b)(2)(i), (iv), and (vii) of Section 300.415 directly apply as follows to conditions in the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site):



- 300.415 (b)(2)(i) "actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants"

At least 42 residential properties and 6 lots used by children for recreational purposes are now known to be impacted by elevated soil-lead concentrations. Residents of these houses are potentially exposed to lead, a hazardous substance, in soils at the Site and in their homes and properties. Children in these homes are exposed to lead in soils in their yards and neighborhood. In addition the children area are potentially exposed to elevated lead concentrations in interior dusts tracked or blown into their homes from contaminated exterior soils. There are actual or potential exposures of nearby human populations to hazardous substances.

- 300.415 (b)(2)(iv) "high levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface, that may migrate"

Abex RI/FS analyses of soil at the Site revealed lead concentrations as high as 33,700 ppm in surface soil (0 to 6 inches deep). EPA's analyses revealed lead concentrations as high as 14,440 ppm in surface soil. Such contaminated surface soils may be subject to migration [tracking] by humans and migration due to wind and water erosion, entrainment and transport. Such migration of contaminated soil may result in transport of lead contaminated dusts into houses on Site. High levels of hazardous substances are in soils, largely at or near the surface, that may migrate.

- 300.415 (b)(2)(vii) "the availability of other appropriate Federal or State mechanisms to respond to the release"

VADEQ has referred the Site, as part of the overall Abex Site, to EPA for EPA response action. Abex has declined to undertake response action at the Site due to its stated belief that the lead is not from the former Abex foundry. The City of Portsmouth does not have the resources to fund this undertaking. Because the Site is not on the NPL, the EPA Region III Superfund Remedial Program cannot address the Site in a timely manner. No other resources are available to address lead contamination at the Site.

#### **IV. ENDANGERMENT DETERMINATION**

ATSDR and Region III toxicological assessments concluded that elevated lead concentrations in residential properties at the Site pose a threat to public health. Lead, a hazardous substance, has been released at the Site, exposing the public living in residences on the Site and in the immediately surrounding community to hazardous substances. The release or threat of release of hazardous substances at or from the Site may be an imminent and substantial endangerment to public health or welfare or the environment.

#### **V. EXEMPTION FROM STATUTORY LIMITS**

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Section 104(c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) sets forth the criteria for exemption from the statutory limits (i.e., 12 months and \$2 million). The emergency exemption criteria set forth in section 104(c)(1)(A) directly apply as follows to conditions in the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site):

§104(c)(1)(A)(i)      “continued response actions are immediately required to prevent, limit, or mitigate an emergency”

High levels of soil lead contamination have been found in the yards and recreational areas frequented by children. EPA's analyses revealed lead concentrations as high as 14,400 ppm in surface soil. Such contaminated surface soils may be subject to migration [tracking] by humans and migration due to wind and water erosion, entrainment and transport. Migration of contaminated soil may result in transport of lead contaminated dusts into houses on Site. Uncontrolled continued exposure and migration of lead will occur unabated from the Site if response actions are not continued. As a result, continued response is required to limit direct exposure of children and other sensitive populations to the Site. Children are especially susceptible to the effects of lead poisoning.

Portsmouth, like many older cities in the U.S., has an aggressive childhood-lead-poisoning prevention program. Some children in Portsmouth, including children who live at or near the Site, have been found to have unhealthy blood-lead concentrations. Elevated soil-lead concentrations at the Site contribute to the exposure of children to unhealthy concentrations of lead. These children may suffer significant adverse health effects due to elevated blood-lead concentrations. This predominantly African-American and below-median-income community is exposed to hazardous substances due to such things as the long-time use of lead paint and living in the vicinity of industrial source(s) of lead. A Superfund cleanup at this time is the only available alternative means to ameliorate the environmental hazard in this community. Children are being or may be directly exposed to hazardous substances on-Site and may suffer irreversible effects of lead poisoning. The possibility of exposure and harm to children due to the continued release of lead from the Site, if Removal Action is not continued, presents a threat of an emergency. Continued response actions are immediately required to prevent an emergency.

§104(c)(1)(A)(ii)      “there is an immediate risk to public health or welfare or the environment”

ATSDR and Region III toxicological assessments concluded that elevated lead concentrations in residential properties at the Site pose a threat to public health. Lead, a hazardous substance, has been released at the Site, exposing the public living in residences on the Site and in the immediately surrounding community to hazardous substances. Absent the continuation of Removal action, the Site will continue to pose an immediate risk to public health or welfare.

§104(c)(1)(A)(iii) “such assistance will not otherwise be provided on a timely basis”

VADEQ has referred the Site, as part of the overall Abex Site, to EPA for EPA response action. Abex has declined to undertake response action at the Site due to its stated belief that the lead is not from the former Abex foundry. The City of Portsmouth does not have the resources to fund this undertaking. Because the Site is not on the NPL, the EPA Region III Superfund Remedial Program is not able to address the Site in a timely manner. No other resources are available to address lead contamination at the Site. Unless Removal actions are continued, assistance will not be forthcoming on a timely basis.

## **VI. PROPOSED ACTIONS AND ESTIMATED COSTS**

### **A. Proposed Actions**

The actions proposed for the Site are unchanged from those listed in Section V(A), Proposed Actions, of the previously approved July 8, 1998, “Request for Ceiling Increase and Change of Scope, Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia” Action Memorandum (see attached) and continued through the December 1, 1998 “Request for Ceiling Increase for Unattributed Residential Soil Lead Site (Includes 2020 Chestnut Street Property Site), Portsmouth, Virginia” (also attached). These actions are designed to eliminate the immediate threat posed by the presence of lead in soil and dust at the Site until such time as the source(s), and PRP(s) for the source(s), have been identified and/or, if the lead is eventually attributed to the Abex Site, the Remedial Program is in a position to address these areas of elevated lead as part of Operable Unit # 2. These actions are consistent with the ROD for the Abex Site, previous Removal actions at the Abex Site, ongoing Removal actions at the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site), and EPA III Removal actions elsewhere to address soil-lead contamination. The actions described in the previous Action Memoranda—including removal and disposal of soil containing soil-lead concentrations of 500 ppm or greater, backfilling and stabilization of excavated areas, sampling and removal (as necessary) of lead-contaminated dust from the interiors of residences, and investigation of the source(s) of soil-lead concentrations within the Site—remain unchanged.

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**B. Estimated Costs**

	<u>Current Ceiling<sup>1</sup></u>	<u>This Action</u>	<u>Proposed Total Ceiling</u>
<u>Extramural Costs</u>			
ERRS	\$ 1,100,000	\$ 1,100,000	\$ 2,200,000
SATA	100,000	120,000	220,000
Subtotal	\$ 1,200,000	\$ 1,220,000	\$ 2,420,000
10% Contingency	110,000	(110,000)	-0-
Total ERRS & SATA	\$ 1,310,000	\$ 1,110,000	\$ 2,420,000
USCG/Community Outreach	\$ N/A	\$ 18,000	\$ 18,000
Unallocated Extramural for Soil-Lead Source Study	375,000	(175,000)	\$ 200,000
Unallocated Extramural for Community Outreach Effort	100,000	(70,000)	30,000
<b>Total Extramural</b>	<b>\$ 1,785,000</b>	<b>\$ 883,000</b>	<b>\$ 2,668,000</b>
<u>Intramural Costs</u>			
EPA Direct	\$ 70,000	\$ 30,000	\$ 100,000
EPA Indirect	140,000	160,000	300,000
<b>Total Intramural</b>	<b>\$ 210,000</b>	<b>\$ 190,000</b>	<b>\$ 400,000</b>
<b>Estimated Total Project Ceiling</b>	<b>\$ 1,995,000</b>	<b>\$ 1,073,000</b>	<b>\$ 3,068,000</b>

<sup>1</sup>The line items in the "Current Ceiling" column reflect the levels approved in the previous funding request. Pursuant to Special Bulletin "B," dated January 22, 1999, previously approved unallocated funds were shifted from some line items to the ERRS and SATA budgets in order to continue necessary Removal activity uninterrupted. The actual "current" funding for SATA, ERRS, and other line items differ from these amounts.

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### **C. Contribution to Remedial Performance**

The 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) is distinct from the Abex Site. However, the Sites are related geographically and share the same principal contaminant of concern, lead. EPA believes it is likely that the Abex Site may be one source of lead contamination in Operable Unit # 2. Therefore, EPA believes the two Sites are sufficiently related that every reasonable effort will be made to assure that Removal response actions at the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) are consistent with Remedial action at the Abex Site.

A Record of Decision (ROD) was issued by EPA in 1992 and amended in 1994. The ROD called for excavation of residential soil-lead concentrations greater than 500 ppm and interior cleaning for residential properties. This Removal action is consistent with the ROD for the Abex Site, thereby assuring that such soil and interior dust cleanups are fully consistent with Remedial performance.

### **D. Compliance with ARARs**

The proposed Removal action set forth in this memorandum will comply with all applicable or relevant and appropriate environmental and health requirements, to the extent practicable, considering the exigencies of the situation. These requirements include manifesting hazardous wastes regulated pursuant to the Resource Conservation and Recovery Act (RCRA). If the excavated soil and interior dust wastes exhibit toxicity characteristic leachate procedure (TCLP) lead concentrations greater than 5 ppm, such soils shall be treated prior to land disposal consistent with RCRA.

The OSC has requested and received from VADEQ a list of state ARARs impacting the excavation of lead-contaminated residential soil from an unknown source and residential interior dust cleaning pursuant to this Removal action. By a letter dated June 1, 1998, VADEQ identified state ARARs pertaining to the storage, transport, and disposal of lead-contaminated soils; ambient air quality requirements pertaining to the excavation of lead-contaminated soils; and stormwater management requirements that may be "applicable" or "relevant and appropriate," depending upon local circumstances. The OSC believes the regulations are applicable, except those pertaining to RCRA hazardous wastes because the soils at the Site are not RCRA hazardous. However, the OSC has determined that it is not practicable to achieve ARARs pertaining to (prohibiting) stockpiling of "special wastes" and those pertaining to stormwater management. In the first instance, stockpiling is necessary for cost-effective, efficient management of the soil removal. In the second instance, the stormwater management regulations are impracticable because of the small individual private properties making up the whole area. It might be unduly burdensome to use one residential property to manage stormwater from neighboring properties (i.e., construction of berms, dikes, stormwater channels, sedimentation basins where none existed before). Instead, the OSC will employ universally accepted erosion, sedimentation, soil tracking and dust control measures to prevent off-site migration of contamination and will restore stormwater runoff conditions to prior conditions as much as

practicable. The OSC continues to work with VADEQ and the City of Portsmouth to ensure that the Removal action set forth in this memorandum complies with all applicable, relevant and appropriate environmental and health requirements, to the extent practicable, considering the exigencies of the situation.

## **VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Through sampling activities conducted pursuant to the Removal action, EPA is now aware of 42 residential properties and 6 vacant lots used by children for recreational purposes outside Operable Unit # 1 with soil-lead concentrations greater than 500 ppm. To date, EPA has cleaned approximately three-fourths of the lead-contaminated soil identified at properties within the Site. However, interior and crawlspace sampling and, if necessary, cleanup have not yet been initiated. If no action is taken or action is delayed, the people residing at the 42 properties identified herein or identified through future Abex activities will continue to be exposed to elevated soil-lead concentrations in their homes and properties, thus presenting the potential for an emergency; continued Removal action is necessary to prevent this emergency.

## **VIII. OUTSTANDING POLICY ISSUES**

### **1. Site Designation**

At this time it is unknown what relation, other than geographical and shared lead contamination, the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) has to the Abex Site. It is unknown at this time what one or more lead sources are responsible for soil-lead contamination in Operable Unit # 2. Until such time as the source(s) of lead in Operable Unit # 2 are better understood and determined to be from one or several distinct sources, the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site) will be treated as one Site separate and distinct from the Abex Site or any other Site.

### **2. Environmental Justice**

The Site is located in a primarily African-American community that is below the State average for family income. By definition, the Site is located in an Environmental Justice (EJ) community. Abex RPM Randy Sturgeon and Community Involvement Coordinator Vance Evans are working closely with the OSC and the community as part of an intensive community outreach effort in order to assure that EPA's decision-making does not unfairly impact this community. Moreover, the OSC, the RPM, and the Community Involvement Coordinator have offered and continue to offer an extraordinary level of community involvement in the decision-making process through outreach.

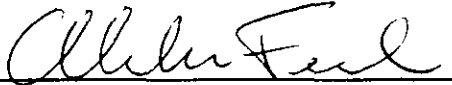
## **IX. ENFORCEMENT**

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The EPA Oil and Removal Enforcement Section has been provided with background information in order to pursue necessary enforcement action and decision making. See the Confidential Enforcement Addendum for more information.

#### X. RECOMMENDATION

Because conditions at the Site meet the conditions set forth in Section 300.415 of the NCP for a Removal Action, and because the emergency exemption criteria set forth in CERCLA Section 104(c)(1)(A) apply, and pursuant to Delegations of Authority 14-2-A and 14-3 giving the Director, Hazardous Site Cleanup Division (HCSD) authority to approve CERCLA Removal Actions with a total cost of less than \$6 million and greater than 12 months in duration, we recommend your approval of this request for ceiling increase for \$1,073,000 for a total ceiling of \$3,068,000, of which \$2,668,000 are Extramural Costs. Your signature below will confirm your approval or disapproval of this Request for Ceiling Increase and \$2 Million and 12-Month Exemption for the 2020 Chestnut Street Property Site (a.k.a. the Unattributed Residential Soil Lead Site).

APPROVED:  DATE: 2/22/99

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

Attachments (3):      Confidential Enforcement Addendum  
                              Request for Ceiling Increase and Change of Scope for Unattributed  
    Residential Soil Lead Site (Includes 2020 Chestnut Street Property  
    Site) (Approved July 8, 1998)  
                              Request for Ceiling Increase for Unattributed Residential Soil Lead Site  
    (Includes 2020 Chestnut Street Property Site) (Approved  
    December 1, 1998)

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